

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DARREN SHANKS, ) No.: 1:20-cv-01083-NONE-SAB (PC)  
 )  
Plaintiff, )  
 ) ORDER ADOPTING FINDINGS AND  
v. ) RECOMMENDATIONS  
 )  
E. MENDEZ, et al., ) (Doc. No. 18)  
 )  
Defendants. )  
 )  
 )  
 )  
 )  
 )

Plaintiff Darren Shanks is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 9, 2020, the assigned magistrate judge screened plaintiff's complaint and found that plaintiff had stated a cognizable claim against defendants E. Mendez and D. Lopez for retaliation in violation of the First Amendment, but that plaintiff had failed to state any other cognizable claims against these defendants. (Doc. No. 13.) Plaintiff was granted leave to file an amended complaint or notify the court of his willingness to proceed only on the claims found to be cognizable in the screening order within thirty (30) days after service of the screening order. (*Id.* at 9.)

////

////

////

1 On October 9, 2020, plaintiff filed a notice suggesting that if he had not submitted an amended  
2 complaint by the thirty-day deadline, he wished to proceed on the claims found cognizable. (Doc. No.  
3 16.)<sup>1</sup> Consequently, on October 22, 2020, the assigned magistrate judge issued findings and  
4 recommendations, recommending that this action proceed on plaintiff's claim brought against  
5 defendants E. Mendez and D. Lopez for retaliation in violation of the First Amendment. (Doc. No.  
6 18.) The magistrate judge also recommended that all other claims brought by plaintiff in his  
7 complaint be dismissed. (*Id.* at 2.) The findings and recommendations were served on plaintiff and  
8 contained notice that any objections thereto were to be filed within fourteen (14) days after service.  
9 (*Id.*) No objections have been filed and the time in which to do so has now passed.

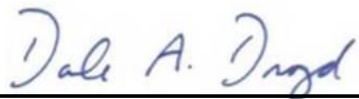
10 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de*  
11 *novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
12 findings and recommendations are supported by the record and proper analysis.

13 Accordingly,

- 14 1. The findings and recommendations issued on October 22, 2020 (Doc. No. 18) are  
15 adopted in full;
- 16 2. This action shall proceed on plaintiff's claim against defendants E. Mendez and D.  
17 Lopez for retaliation in violation of the First Amendment;
- 18 3. All other claims are dismissed; and
- 19 4. This action is referred back to the assigned magistrate judge for service of process.

20 IT IS SO ORDERED.

21 Dated: **November 17, 2020**

22   
UNITED STATES DISTRICT JUDGE

23  
24  
25  
26  
27  
28 <sup>1</sup> Plaintiff's notice also reiterates his request for counsel. (Doc. No. 16.) The magistrate judge  
already declined to appoint counsel for plaintiff (Doc. No. 16), and plaintiffs' renewed request fails to  
justify the appointment of volunteer counsel.